

REMARKS

This is in response to the Office Action dated June 4, 2007. With this response, claims 1-2, and 9-10 are amended; new claims 12-16 are added; and all pending claims 1-16 are presented for reconsideration and favorable action.

In the Office Action, the Examiner noted that this application would not receive the benefits of the provisional application 60/394,639. Applicant believes that this was a typographical error and that section should refer to provisional application 60/394,369. Applicant will submit a Request to add Mr. Anders Jirskog as an inventor to provisional application 60/394,369. It is believed that with this submission the priority claim is proper.

In the Office Action, claims 1-11 were rejected under 35 U.S.C. § 112. With this response, those claims have been amended and it is believed that the rejection may be withdrawn.

Regarding the rejection under 35 U.S.C. § 102(e) based upon Westerly et al. it is believed that that rejection may be withdrawn in view of the claimed priority to the provisional application 60/394,369.

Claims 1, 9, and 11 were rejected under 35 U.S.C. § 103 based upon Schultheiss (U.S. 2002/0020216). It is believed that present invention is patentably distinct in view of the amended claims. More specifically, Schultheiss discloses a level measuring device having a transmitter and receiver that are suitable for operation with a plurality of frequencies. However, Schultheiss does not disclose a microwave generating source and at least one frequency multiplier, as claimed in the amended claim 1. Method claim 9 has been amended in a similar manner.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Such action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Judson K. Champlin

Judson K. Champlin, Reg. No. 34,797
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

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